

Subpart A—General

§ 2202.1 Purpose and scope.

(a) This part is designed to implement provisions of Executive Order 11222, 3 CFR (Rev. 1974), May 8, 1965, “Prescribing Standards of Ethical Conduct For Government Officials and Employees,” and 5 CFR 735.104 *et seq.* It prescribes standards of conduct for employees of the Occupational Safety and Health Review Commission (hereinafter OSHRC or the Commission) relating to conflicts of interest arising out of outside employment, private business and professional activities, and financial interests. It sets forth requirements for the disclosure of such interests by OSHRC employees. In addition, it states basic principles regarding employees’ conduct on the job and the ethics of their relationship to OSHRC as their employer. This part applies to all regular and special Government employees except to the extent otherwise indicated herein. For the purpose of this part:

(1) *Regular employee* means an employee of OSHRC, but does not include a special Government employee.

(2) *Special Government employee* means an employee of OSHRC who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a fulltime or intermittent basis.

(3) *Employee* means a regular and a special Government employee.

(4) The term *office*, except where otherwise indicated, means an office which is not a part of a larger administrative subdivision of the Commission.

(b) This part, among other things, reflects prohibitions and requirements imposed by the criminal and civil laws of the United States. However, the paraphrased restatements of criminal and civil statutes in no way constitute an interpretation of construction thereof that is binding upon the Federal Government. Moreover, this part does not purport to paraphrase or enumerate all restrictions upon or requirements of Federal employees. The omission of a reference to any such restriction or requirement in no way alters

the legal effect of that restriction or requirement.

§ 2202.2 Counseling service.

(a) The Chairman has been designated OSHRC counsel in matters within the scope of the regulations in this part. Employees are expected to familiarize themselves with the regulations in this part, the laws and regulations on which they are based. Attention of all employees is hereby directed to the statutes set forth in 5 CFR 735.210 (see appendix A to this part). Employees who need clarification of the standards of conduct, and related laws, rules, and regulations should consult the Chairman.

(b) Each head of an office is responsible for application of the standards of conduct to employees under his jurisdiction. He is responsible for assuring that his employees are furnished copies of the regulations in this part not later than 90 days after they become effective. Each new employee shall be furnished such a copy no later than the time of his entrance on duty. The heads of offices shall assure that employees are advised of the times and places where counseling services are available. They shall assure that the regulations in this part are brought to the attention of each employee at least annually and at such other times as circumstances warrant.

§ 2202.3 Remedial action.

(a) Failure of an employee to comply with any of the standards of conduct set forth in this part shall be a basis for such disciplinary or other remedial action as may be appropriate to the particular case. Such remedial action may include, but is not limited to:

- (1) Changes in assigned duties;
- (2) Divestment by the employee of his conflicting interest;
- (3) Disciplinary action; or
- (4) Disqualification for a particular assignment.

(b) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, Executive Orders and regulations.